



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

Bülent KORKMAZ, Walter KUHN, Hans-Jörg
DOMIAN, Bernhard DRERUP and Gerhard
GUMPOLTSBERGER

Serial no.
Filed
For

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~~09/936,477~~ 10/282,449
with an effective filing date of March 16, 2000
AUTOMATIC TRANSMISSION FOR MOTOR
VEHICLES

Group Art Unit
Examiner
Docket

GROUP 3600

3681
Dirk Wright
ZAHFRI P369USRE

The Commissioner of Patents and Trademarks
Washington, D.C. 20231

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FEB 07 2005

RESPONSE

TECHNOLOGY CENTER R3700

Dear Sir:

The following Response is submitted in reply to the Official Action of December 7, 2004.

REMARKS

The following Response is submitted in reply to the Official Action of December 7, 2004 following the telephone discussion between Gary Clapp and the Examiner on December 20, 2004 regarding the applicability of the cited prior art references in light of the claimed priority date of the present Reissue Application.

Claims 1-13 and 22-33 are presently pending in the Reissue Application and the Examiner stated in the Official Action that claims 8-13 are allowed, claims 2, 28, 29 and 32 are objected to but would be allowable if rewritten in independent form, and claims 1, 3-7, 22-27, 30, 31 and 33 are rejected, under 35 U.S.C. 102, over either or both of EP '006 and Mrtyka '370. The Applicant acknowledges and respectfully traverses the raised anticipatory rejections in view of the following remarks.

As discussed with the Examiner on December 20th, the Applicant believes that while the references cited in rejection of claims 1, 3-7, 22-27, 30, 31 and 33, that is, EP '006 and Mrtyka '370, are pertinent to the present invention, neither EP '006 nor Mrtyka '370 is a valid prior art reference, under 35 U.S.C. § 102, as the effective dates of both references is well after the March 16, 2000 effective filing date and the March 22, 1999 priority date claimed from corresponding German Application No. DE 199 12 480. That is, the earliest effective date for Mrtyka '370 is believed to be only December 16, 2002 while the earliest effective date for EP '006 is believed to be only December 11, 2002, both of which are later than the March 16, 2000 effective filing date of the above identified application.

After a brief discussion, the Applicant and the Examiner concurred that neither of EP '006 nor Mrtyka '370 is a proper prior art reference against the claims of the present Reissue Application. For that reason, claims 1, 3-7, 22-27, 30, 31 and 33 and claims 2, 28, 29 and 32, as submitted, are allowable over the art of record in this case. The Applicant, therefore, respectfully requests that the Examiner reconsider and withdraw the rejections of claims 1, 3-7, 22-27, 30, 31 and 33 and allow claims 1-13 and 22-33 as originally submitted.

Lastly, the Examiner pointed out that the present Reissue Application cannot be allowed until the corresponding originally issued Letters Patent is surrendered to the United States Patent and Trademark Office. For this reason and in anticipation of the allowance of the claims as requested above, the Applicant hereby encloses and surrenders original Letters Patent No. 6,572,507.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time and that the claims are now in condition for allowance. The Applicant therefore respectfully requests the reconsideration and withdrawal of all grounds for rejection of or objection to the claims, and the allowance of the claims as amended herein.

In view of the foregoing, it is respectfully submitted that this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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